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February 20, 2018

Hon. Judith Lieb
Supreme Court, Bronx County Criminal Division
Bronx Hall of Justice
265 East 161st Street
Bronx, NY 10451

Re: Medical Records of [REDACTED]

Dear Judge Lieb:

I am writing to inform you that NYC Health + Hospitals has produced the complete and unredacted medical records that are referenced above pursuant to the enclosed Order dated November 22, 2017, to the Bronx Court Clinic.

At the outset, I acknowledge that the response to the Order by NYC Health + Hospitals has been delayed. Notwithstanding its role in the delay, NYC Health + Hospitals continues to have concerns regarding the substance of this Order and the process by which it was obtained. In view of the contents of the records, NYC Health + Hospitals retained counsel working in collaboration with my office sought to resolve these matters in a non-adversarial manner. I respectfully call your attention to 42 C.F.R. 2.64 and N.Y. Public Health Law §2785 for consideration of their applicability to the instant matter. These provisions of law are the source of consternation concerning the subject Order. Respectful of the Court, the records have been produced with reservations.

NYC Health + Hospitals remains committed to streamlining the process by which these orders are obtained and complied with in order to expedite the evaluation of incarcerated defendants. To that end, the Office of Legal Affairs plans to continue working with the forensic psychiatric evaluation clinics to standardize these orders and develop an expedited workflow for responding to them.

We welcome any additional guidance the Court may have to offer as we move forward.

Yours truly,

Salvatore J. Russo

cc: Hon. Robert Torres, Administrative Judge
Bronx Court Clinic